

R e m a r k s

Claims 1 and 3 have been amended to overcome the Examiner's informality objection and 35 USC 112, second paragraph rejections. Withdrawal of this objection and rejections is requested.

Claims 1 through 9 stand rejected, 35 USC 103(a), as unpatentable over Jostan et al European Patent Application Publication No. 0 412 242 (hereinafter Jostan). For the Examiner's convenience a translated version of this publication is enclosed. For the reasons set forth below, applicants submit that independent claim 1 and its dependent claims 2-3 and 5-9 are not obvious from the Jostan disclosure and teaching; claim 4 has been cancelled to reduce the issues being considered in this application.

Dependent claim 10 has been added to claim applicants' invention in slightly different terms, as described at page 22, line 19 et seq. of applicant's specification.

Jostan's disclosure and teaching sets forth the prior art recognition that parylene polymers can be used as a barrier layer to protect against water or water vapor diffusion which can deleteriously affect optical fibers. Applicants' invention, however, is to a specific combination of multiple layers as a barrier coating to protect a substrate, which may an optical fiber or otherwise. Applicants' specific combination, as recited in their claims, is not suggested by or obvious from the Jostan disclosure.

The Examiner acknowledges that Jostan does not specifically teach the combinations as claimed by applicant, but makes the general statement that Jostan teaches parylene C and parylene D "and mixtures thereof". In fact there is no mention in the Jostan specification of parylene "mixtures"; the only appearance of the term "mixtures" with reference to parylene is in Jostan claim 10 as "or corresponding mixtures thereof". Applicants submit that is not a teaching

or suggestion to one of ordinary skill in the art of the specific combinations set forth in their claims.

Applicants' discovery and invention, being claimed herein, is that an improved barrier coating for protection of a substrate comprises a three layer coating and specifically two layers of different parylene polymers or parylene polymer variants or mixtures separated by an intermediate transition layer including both of these polymers. This is a very specific, and narrow, combination.

Furthermore, there is no suggestion or disclosure in Jostan that would lead one skilled in the art to appreciate that the performance attained by this tri-layer protective coating is improved if the intermediate transition layer is a graded layer, as set forth in applicants' claims 2 and 6.

Applicants' claim 5, and the claims dependent thereon, recites the addition of an adhesion promoting layer. While this is a secondary aspect of applicants' invention applicants never the less desire to object to the Examiner's assertion that Jostan discloses an adhesion promoting layer (3) or that such an adhesion promoting layer is of a metalloid such as aluminum. Applicants fail to find any such disclosure at Jostan column 2, lines 15-33 and lines 30-33 or at column 4, lines 5-10. Further, as stated in applicants' claim 5, the adhesion promoting layer is between the first parylene polymer layer and the substrate, not, as the Examiner states with respect to Jostan, between the substrate and a reflective layer.

In sum, applicants respectfully submit that their three layer polymer coating, as claimed, is not an obvious variation of the very general disclosure of Jostan that the Jostan single water vapor barrier layer can be a parylene polymer or a mixture of such polymers.

The Examiner has also rejected these claims under the doctrine of obviousness-type double patenting, in view of applicants' co-pending application 10/318,961, for which the issue

The Examiner has also rejected these claims under the doctrine of obviousness-type double patenting, in view of applicants' co-pending application 10/318,961, for which the issue fee was paid March 11, 2004, US patent 6,586,048, and application 10/754,921 (which is a reissue application of patent 6,586,048). In response thereto applicants are filing herewith a terminal disclaimer with respect to these applications and the issued patent.

For the reasons set forth above applicants respectfully submit that claims 1-3 and 5-10 are clearly patentable. Reconsideration and allowance of claims 1-3 and 5-9 and favorable consideration and allowance of claim 10 are therefore requested.

Applicants believe that this application is now in condition to be passed to issue, and such action is also requested. However, if the Examiner deems it would in any way expedite the prosecution of this application, she is invited to telephone applicants' attorney at the number set forth below.

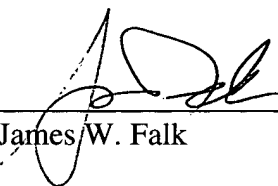
Respectfully submitted,

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Date:

Feb 23, 2005

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Enclosed
Terminal Disclaimers (2)
EP 0 412 242 Translation

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